REMARKS

This Response is filed in reply to the Office Action dated December 6, 2007. Claims 1-54 are pending. Claims 1-54 are rejected. In this Response, claims 6 and 30 are amended. No claims are cancelled and no new claims are added. Accordingly, claims 1-54 remain pending in the application, of which claims 1, 21, 30 and 39 are independent.

Silence with regard to any of the Examiner's rejections is not acquiescence to such rejections, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim depends. Furthermore, any cancellations of and amendments to the claims are being made solely to expedite prosecution of the instant application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application.

Claim 6

Upon review, it appears that the prior amendment inadvertently omitted intended changes to claim 6 even though the claim had been indicated as amended. Claim 6 is therefore amended herein to address the previously imposed objection to that claim.

Claim Rejections Under §101

Claims 30 – 38 stand rejected under 35 U.S.C. §101, the Examiner taking the position that, since the claims recite the invention in terms of means plus function language, the claims might encompass pure software that is not within one of the statutory categories. While the rejection is respectfully traversed, for the sole purpose of expediting prosecution and without disclaimer or prejudice to include claims of similar

scope to those cancelled or any other claims supported by the present disclosure in a continuing application, claim 30 is amended to require that at least the means for applying a function to the address to obtain a return address be specifically performed by a processor. Accordingly, the rejection under 35 U.S.C. §101 is rendered moot and withdrawal thereof is respectfully solicited.

Claim Rejections Under §103

Claims 1, 2, 4-6, 18-24, 30-33, 39-43 and 52-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung et al. in view of Liston.

Claims 3, 7-11, 13-17, 25, 26, 28, 29, 34, 35, 37, 38, 44, 45 and 47-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung et al. in view of Liston further in view of Coutts et al.

Claims 12, 27, 36 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chung et al. in view of Liston and Coutts et al. further in view of Griffiths et al.

All rejections under 35 U.S.C. § 103(a) are respectfully traversed for lack of any teaching, suggestion, or motivation for making the asserted combination. Absent such basis for combining or modifying the teachings of the prior art to produce the claimed invention the rejection is improper. In re Kahn, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006) (discussing rationale underlying the motivation-suggestion-teaching test as a guard against using hindsight in an obviousness analysis). Further, if, as here, the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP § 2143.01(V) citing In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The primary Chung et al. reference is directed to hosting a network service on a cluster of servers using a single-address image. The Examiner cites to column 7, lines 13 -38 column 7 , line 62 – column 8, line 15. The Examiner applies Liston for detecting unauthorized attempts to access a resource when the request correspond to an unused

address. In contrast, Chung et al. does not identify a use of an unused address as an unauthorized access attempt but **relies** on the use of the "ghost IP address" as a valid cluster address:

> *The client 52 uses the ghost IP address as a cluster address for directing its request to the server cluster 54. The request is directed over Internet 60 to a router 62 having an IP address RA. The router 62 includes a routing table having an entry or record directing any incoming request packets having the ghost IP address to a dispatcher 64 connected to the LAN 56.*

Column 7, lines 39 – 45.

Modifying Chung et al. (which uses the unused address as a valid cluster address) according to Liston (which interprets the unused address as an invalid and unauthorized access attempt) would defeat the device of Chung et al. That is, the Examiner would use the "ghost IP address" of Chung et al. for "detecting an unauthorized attempt to access said address when an attempted address correspond to an unused one of said block of addresses" by modifying Chung et al. according to Liston. However, using the unused block of address in such a manner would render the device of Chung et al. inoperative as it instead uses the ghost IP address to direct the request to server cluster 54. Accordingly, the rejection is improper. See MPEP § 2143.01(V).

The rejection is further improper as the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified. MPEP § 2143.01(VI) citing In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Chung et al. teaches using an unassigned address as a cluster address to then route a request to a dispatcher. Using the unassigned address to detect an unauthorized access would require that an entirely different method be used to route a request to the dispatcher. Thus, for this additional reason the combination is again improper.

The rejection is additionally improper for lack of any suggestion to make the asserted combination. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art. MPEP § 2143.01(III) citing KSR

International Co. v. Teleflex Inc., 550 U.S. ___, ___, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007). One skilled in the art would have no reason to modify an address scheme for a cluster of servers as suggested by the Examiner absent impermissible hindsight derived from Applicants' disclosure.

The rejection is further improper since, even if the combination asserted by the Examiner were made, the claimed invention would not result. For example, the Examiner asserts that Chung et al. discloses applying a function to an address "to obtain a return address". Office Action at page 3. However, what Chung et al. describes is applying a hash function to determine which of the servers to route a given packet. See Chung et al. at column 7, lines 64-67. There is no mention of applying a function to the address to obtain a return address and returning the return address to the user as required by claims 1, 21, 30 and 39. Thus, the combination fails to render the subject matter of the independent claims obvious.

The combination further fails to describe or suggest the subject matter of dependent claims 2, 4-6, 18-20, 23-24, 31-33, 40-43 and 52-54. For example, claims 2, 22, 31 and 40 require hashing a user address to obtain one value of a range of values mapping to the block of addresses, the one value designating the used one of the block of addresses. Chung et al. only describes use of a hash to select a server to be given a packet, not applying a hash to a user address to obtain a value designating a used one of a block of addresses.

The addition of Coutts et al. fails to cure the defects inherent in the outstanding rejections. As before, there is no teaching, suggestion, or motivation for modifying Chung et al. to include the intrusion prevention features taught by Liston, much less to include any additional teaching according to Coutts et al. The rejections based on the addition of Liston are further improper as neither that patent nor the combination describe or suggest "hashing a time of [a] request" (claims 3 and 7), "changing said used one of said block addresses over time" (claims 8, 25, 34 and 44), "applying [a] function comprises determining a time period for changing said one of said block of addresses"

(claim 9). To the contrary, all the cited portion of Coutts et al. describes is using "a lease concept with a controllable time period for the lease." Coutts et al. at column 22, lines 7-8.

The further modification of Chung et al. in view of Liston and Coutts et al. further in view of Griffiths et al. is not only improper but would not result in the claimed combination for the reasons previously set forth and for the following. Griffiths et al. describes randomly selecting an IP address to monitor a round trip time between a DNS server and an information server. This functionality has nothing to do with Chung et al., Liston or Coutts et al. There is no teaching, suggestion or motivation for making the combination other than hindsight reconstruction using Applicants' claim as a template.

In summary, Applicants traverse the Examiner's rejections under 35 U.S.C. § 103(a), and respectfully request reconsideration in view of the remarks herein.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to enter the present amendment, withdraw all outstanding rejections, and pass this application to issue.

Applicants believe no fee is due with this response. However, if any other extension of time under 37 C.F.R. §1.136 is required the petition is hereby made. Further, if any other or additional fee is due, please charge our Deposit Account No. 06-2375, under Order No. 414.094/10802357 from which the undersigned is authorized to draw and please credit any excess fees to such deposit account.

Dated: March 4, 2008

Respectfully submitted,

By /Michael J. Strauss/

Michael J. Strauss
Registration No.: 32,443
FULBRIGHT & JAWORSKI L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, DC 20004-2623
(202) 662-0200
(202) 662-4643 (Fax)
Attorney for Applicant